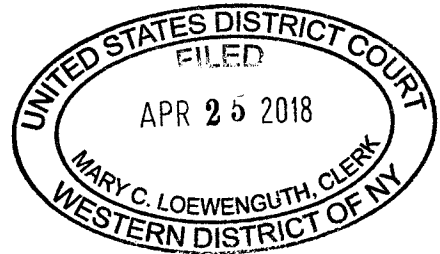


United States District Court

for the

Western District of New York



United States of America

v.

Case No. 18-MJ- 4046

DAVID BILLS,

Defendant

CRIMINAL COMPLAINT

I, KATHRYN M. GAMBLE, the complainant in this case, state that the following is true to the best of my knowledge and belief that in the Western District of New York, the defendant violated offenses described as follows:

Between on or about April 24, 2018 and April 25, 2018, in the Western District of New York and elsewhere, the defendant, **DAVID BILLS**, did use a facility or means of interstate commerce to knowingly persuade, induce, entice or coerce a minor to engage in a sexual activity; with the belief that the individual has not attained the age of 18 years or attempted to do so, as defined in Title 18, United States Code, Section 2422(b).

SEE ATTACHED AFFIDAVIT OF SPECIAL AGENT KATHRYN M. GAMBLE, HSI.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

A handwritten signature in black ink, appearing to read "Kathryn M. Gamble".
Complainant's signature

SA KATHRYN M. GAMBLE (HSI)
Printed name and title

Sworn to before me and signed in my presence.

Date: April 25, 2018

A handwritten signature in black ink, appearing to read "Marian W. Payson".
Judge's signature

City and State: Rochester, New York

HONORABLE MARIAN W. PAYSON
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT

18-mj-4046

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, Kathryn M. Gamble, being duly sworn, depose and state the following:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"). I have been employed as a Special Agent since June 2008. I am currently assigned to the HSI Special Agent in Charge in Buffalo, New York. As part of my daily duties as a Special Agent with HSI, I investigate crimes involving child exploitation and child pornography including violations pertaining to the transportation, production, distribution, receipt, and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I investigate crimes involving coercion and enticement in violation of Title 18, United States Code Sections 2422(a) and 2422(b). I have received formal and on the job training in the area of child pornography and child exploitation. I have participated in the execution of numerous search warrants involving child pornography and the seizure of computers and other storage media. I have interviewed many individuals involved in child pornography and the sexual exploitation of children.

2. I make this affidavit in support of a criminal complaint charging DAVID BILLS, with a violation of Title 18, United States Code, Section 2422(b) (Did use a facility or means of interstate commerce to knowingly persuade, induce, entice or coerce a minor to engage in a sexual activity; with the belief that the individual has not attained the age of 18 years or attempted to do so).

3. All information contained in this affidavit is either personally known by me or has been related to me by other law enforcement agents. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that DAVID BILLS did knowingly violate Title 18, United States Code, Section 2422(b).

4. On or about April 24, 2018, an undercover New York State Police (NYSP) Investigator (the UC) posted the following on the mobile application Whisper, "New 2 the area". The UC profile on Whisper lists the following, "Female, 15-17 years old". The UC received a private message from Whisper user "some clever name", with the following profile information, "Male 26-29 years old", later identified as DAVID BILLS, (hereinafter referred to as, "the defendant. The private message read, "Let's have some fun today. Good looking fit hung guy here. Say hello". The UC asked the defendant how old he was and he replied, "I am 23. Am I too old?". The UC provided, "Im 13. Like if you dont wanna talk 2 me i get it. And idc how old u r lmao". The defendant "loves" that he is not too old and asks the UC if she has any free time, "we should hang out".

5. The defendant goes on to tell the UC that he is looking for a "cuddle buddy" and that they "should cuddle sometime". The defendant asks the UC if she has any pictures to share. The defendant then asks the UC if she has school tomorrow and the UC tells the defendant that she doesn't start school until next week, since she just moved to the area. The defendant replies, "So you have time all day tomorrow? Can I come see you?". The UC tells

the defendant that she has never met anyone like this before and the defendant replies, "I am totally normal and cool. You will have no issues with me. Look at it this way. You are under age. If I caused any issues you can get me in a lot of trouble. I could be there in 10 minutes if you want to see me now." The UC tells the defendant that tomorrow would be better since her grandma will be home soon. The defendant replies, "Perfect. What do you like to do with a guy?". The UC tells the defendant, "Idk I nevs hung out w a older guy b4. Like what u like 2 do w a girl besides cuddle lol". The defendant replies, "I like all things. What do you like? I want you to be comfortable"; "We can cuddle and talk, Take it from there. Have you had sex before?". The UC replies that she has not had sex before. When the defendant asks what she has done with a guy, the UC says she has only ever kissed a guy. The defendant replies, "Maybe we can do more".

6. The defendant again asks the UC for a picture. The UC sends an undercover photo depicting a female appearing to be approximately 13 years old. The defendant replies, "you are too cute. What time are you free tomorrow?". The UC then asks for a photo from the defendant. The defendant sends a photo of a white male, wearing a Nike polo shirt and a backwards baseball cap. The UC tells the defendant that she has to go and the defendant replies, "Do you really think you will meet me tomorrow?", the UC replies, "Ummm like do u really wanna?? Like I like u and ur cute and stuff but if u don't like me cuz Im 13 I get it :/". The defendant responds, "I am game if you are".

7. The defendant and the UC engage in further conversation. The defendant tells the UC, "I am excited to be talking to you. I hope you are too". The defendant asks the UC,

“Can you sneak out and see me after her (grandma’s) bedtime? (devil emoji)”. The defendant states, “If you’re able to sneak out you should. Send me your address. I will be there. If you don’t feel comfortable with it we can always wait till tomorrow. I just want to meet you.” The UC tells the defendant that she would rather wait until tomorrow. The defendant tells the UC, “I really do like you. Ages just a number to me. I worry that you don’t like me or think I am ugly because I am older. I think you are too good to be true. I am prepared for you to block me or ghost me.”.

8. The defendant tells the UC that he wants to “cuddle with you in your panties”. The defendant tells the UC that it makes him nervous to say what he wants to be because, “to be honest, this is illegal. It makes me nervous to type out a bunch of details”. The defendant goes on to say, “Will you let me take your panties off?”. The defendant then asks the UC to send him a picture of herself holding up three (3) fingers. The defendant wants this personalized photo because, “It’s dumb but I worry yo I could be a cop. Lol. I worry. It’s what I do.” The UC tells the defendant that she is more comfortable talking on KIK where you can tell if pictures are sent “live”. The defendant tells the UC he is downloading KIK and send his username as, “Stevem8675”, “kik me”.

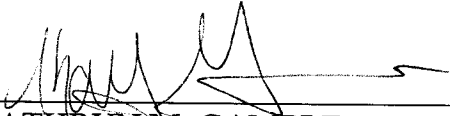
9. On April 24, 2018, at approximately 11:00 PM EST, the UC sends a Kik private message to user, “Stevem8675”, reading, “hi”. The defendant provides that his name is Steve and the UC states that her name is “Madi”.

10. On April 25, 2018, the UC sends a "live" photo of herself to the defendant. The photo is an undercover photo depicting a female appearing to be approximately 13 years old. The defendant replies, "How are you? Do I still get to see you today?" and tells the UC to let him know when her grandmother leaves. The UC asks for a photo of the defendant and he sends a live picture of himself. The picture depicts a white male lying in bed. The defendant then requests a picture of the UC holding up three (3) fingers again. The defendant tells the UC that he is very nervous about meeting her today. The defendant tells the UC, "I want to kiss your breasts. Lay in our panties. Maybe take your panties off...". The defendant tells the UC that he wants to "touch you. To go down on you. Let's not go all the way. We should both do it to each other. I want to show you."

11. On April 25, 2018, DAVID BILLS arrived at the scheduled meeting place with the UC. BILLS provided his name, date of birth and showed identification confirming his information. All communication between BILLS and the UC was conducted through the use of cellular telephones which were connected to the internet, thereby in or affecting interstate commerce.

KMG
4/29/18

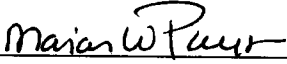
WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that DAVID BILLS did knowingly violate Title 18, United States Code, Section 2422(b), (Use a facility or means of interstate commerce to knowingly persuade, induce, entice or coerce a minor to engage in a sexual activity; with the belief that the individual has not attained the age of 18 years or attempted to do so).



KATHRYN M. GAMBLE
Special Agent
Homeland Security Investigations

Sworn to before me this

25 day of April, 2018.



MARIAN W. PAYSON
United States Magistrate Judge